

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

KELLY ANN FRENCH,)
)
Plaintiff,)
)
v.) 3:14-CV-138-PLR-HBG
)
CAROLYN W. COLVIN,)
Commissioner of Social Security,)
)
Defendant.)

MEMORANDUM AND ORDER

This Social Security appeal is before the court on the Report and Recommendation filed by United States Magistrate Judge, H. Bruce Guyton [R. 23]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of the record and the parties' pleadings, the court is in complete agreement with the Magistrate Judge's recommendation that plaintiff's motion for summary judgment be granted, to the extent that this matter shall be remanded for further fact finding. Accordingly, the court **ACCEPTS IN WHOLE** the Report and Recommendation under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). It is **ORDERED**, for the reasons stated in the Report and Recommendation, which the court adopts and incorporates into its ruling, that the plaintiff's motion for summary judgment [R. 16] is

GRANTED in part; the Commissioner's motion for summary judgment [R. 21] is **DENIED**; and this case is **REMANDED** to the Commissioner for further proceedings as follows:

1. The Administrative Law Judge (ALJ) shall reconsider Dr. Hauge's opinion by applying the treating physician rule. Should Dr. Hauge's opinion not be due controlling weight, the ALJ shall provide sufficient explanation as to the weight assigned so that his reasoning will be clear to a subsequent reviewer;
2. The ALJ shall consider Dr. Fisher's letter as a treating physician opinion hereby incorporated into the administrative record. Should Dr. Fisher's opinion not be due controlling weight, the ALJ shall provide sufficient explanation so that his reasoning will be clear to a subsequent reviewer; and
3. Upon reconsideration of Dr. Hauge's opinion, the ALJ shall review Mr. Galloway's vocational assessment, determining specifically whether the weight assigned Dr. Hauge's opinion in any way impacts or changes the weight due Mr. Galloway's vocational assessment.

IT IS SO ORDERED.

Enter:



Tamala J. Reeves
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT
s/ *Debra C. Poplin*
CLERK OF COURT